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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/070,106

02/27/2002

Tomihisa Kamada

Y-201

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7590

01/20/2004

DELLETT AND WALTERS
310 S.W. FOURTH AVENUE
SUITE 1101
PORTLAND, OR 97204

EXAMINER

HASHEM, LISA

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 01/20/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/070,106

Applicant(s)

KAMADA, TOMIHISA

Examiner

Lisa Hashem

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Claims 1-13 are pending in this office action.

Information Disclosure Statement

2. An initialed and dated copy of Applicant's IDS form 1449, Paper No. 2, is attached to the instant office action.

Drawings

3. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on February 27, 2002 have been accepted.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-13 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by US Patent Application Publication US 2003/0055870 by Smethers.

Regarding claim 1, Smethers discloses a method for providing a storage area in a storage server or server module (Figure 3, 308) for a portable data terminal connected over a network (Figure 1, 100), said method comprising the steps of: allocating a dedicated storage area for each user; storing software or bookmark of a file selection or document, which is inherently purchase-requested at a software sales site or Internet site on the network by a user (the user is inherently utilizing a cost to use this retrieval system; page 6, column 1, section 0058, lines 1-17), into a dedicated storage area allocated to the user of the storage server without sending the

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software from the sales site directly to a portable data terminal of the user; and making available the software, stored in the dedicated storage area in said storage server, to the user in response to a request from the user (page 4, column 2, section 0050, lines 1-24).

Regarding claim 2, the method for providing a storage area according to claim 1 mentioned above, wherein Smethers further discloses an expiration date until which the user is allowed to use the software stored in said storage server is set (the service agreement for user to use this retrieval system inherently found in account information for each user), further comprising the step of making the software, which is in the dedicated storage area, inherently unavailable to the user after the expiration date (the file or document can not be viewed on device's screen; page 4, column 2, section 0048, lines 1-10; page 4, column 2, section 0050, lines 1-24).

Regarding claim 3, the method for providing a storage area according to claim 1 mentioned above, wherein Smethers further discloses the step of charging the user for the purchase-requested software when the purchase-request is made, when the user downloads the software from the dedicated storage area, or when the user indicates an intention to continue to use after a trial period passes after the downloading (the user is inherently utilizing a cost to use this retrieval system; page 6, column 1, section 0058, lines 1-17).

Regarding claim 4, the method for providing a storage area according to claim 1 mentioned above, wherein Smethers further discloses the steps of: storing software, which is not purchase-requested by the user (page 6, column 2, section 0065, lines 7-9), into the dedicated storage area; allowing the user to select the software not purchase-requested; and charging the user for the software when the user downloads the selected software or when the user indicates

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an intention to continue to use after a trial period (the user is inherently utilizing a cost to use this retrieval system; page 6, column 1, section 0058, lines 1-17).

Regarding claims 5 and 6, please see the rejection of claims 1 and 3 to reject the software sales method of claims 5 and 6.

Regarding claim 7, please see the rejection of claims 1 and 4 to reject the software sales method of claim 7.

Regarding claim 8, Smethers discloses a storage server or server module (Figure 3,308) connected to portable data terminals over a network (Figure 1, 100; page 3, column 2, section 0038, lines 3-5), said storage server comprising: a storage unit having dedicated storage areas, allocated to a user of a portable data terminal (page 4, column 2, section 0050, lines 20-24); means for receiving software, which is purchase-requested by the user of said portable data terminal, from a software sales site or Internet site on the network for storing the software as a bookmarked location into the dedicated storage area of the user (the user is inherently utilizing a cost to use this retrieval system; page 6, column 1, section 0058, lines 1-17); a management table or subscriber account storing therein management information about the software stored in the dedicated storage area of the user (page 6, column 2, section 0065, lines 1-13); and means for referencing said management table in response to access from the user and for sending the software (bookmarked locations), which is stored in the dedicated storage area of the user, to the portable data terminal of the user via the information server (page 7, column 1, section 0068, lines 1-21).

Regarding claim 9, the storage server according to claim 8 mentioned above, wherein Smethers further discloses said storage unit further comprises a common storage area in which

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an application program body or 'Keypad Bookmark Manager' is stored as the software for common use by a plurality of users (page 6, column 2, section 0066, lines 1-11) and wherein data associated with the application program and corresponding to each user is stored separately in the dedicated storage area of the user (page 4, column 2, section 0050, lines 20-24).

Regarding claim 10, Smethers discloses a portable data terminal with a network connection capability (Figure 1, 100), comprising: local storage into which required software is downloaded from full-set software as required, said full-set software being stored in a dedicated storage area allocated on a storage unit on a network (Figure 3, 308; page 4, column 2, section 0050, lines 1-24); and a management table in which management information associated with the software stored in the local storage is stored (account information) (page 6, column 2, section 0065, lines 1-13), wherein the management information includes at least expiration date information on the software (the service agreement for user to use this retrieval system found in account information for each user) and said portable data terminal further comprising means for inherently automatically erasing the software from said local storage (the file or document can not be viewed on device's screen; page 4, column 2, section 0048, lines 1-10) when an expiration date inherently defined by the expiration date information has passed (page 4, column 2, section 0050, lines 20-24).

Regarding claim 11, the portable data terminal according to claim 10 mentioned above, wherein Smethers further discloses means for allowing the user to rewrite said management table freely is inherently not provided (page 4, column 2, section 0050, lines 20-24).

Regarding claim 12, Smethers discloses a recording medium storing therein a computer program that inherently runs on a portable data terminal with a network connection capability

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(Figure 1, 100; page 8, column 2, section 0081, lines 1-8), said computer program comprising: a function that downloads required software or file from full-set software into local storage as required, said full-set software or bookmark of a file selection or document being stored in a dedicated storage area allocated on a storage unit on a network (Figure 3, 308; page 4, column 2, section 0050, lines 1-24). Smethers further discloses a function that inherently manages expiration date information that is set for the software stored in the local storage (the service agreement for user to use this retrieval system found in account information for each user); and a function that inherently automatically erases the software from said local storage (the file or document can not be viewed on device's screen; page 4, column 2, section 0048, lines 1-10) when the expiration date inherently defined by the expiration date information has passed (page 4, column 2, section 0050, lines 20-24).

Regarding claim 13, please see the rejection to claim 12 above to reject the computer program of claim 13.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- U.S. Patent Application Publication US 2002/0059402 by Belanger teaches a server that stores dedicated information for each user of an operating system; the dedicated storage creates a virtual hard drive location in memory for the user, the memory being located on the server, rather than on the user's device

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7. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 872-9314 (for formal communications intended for entry)

Or call:

(703) 306-0377 (for customer service assistance)

Hand-delivered responses should be brought to: Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (703) 305-4302. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

LH

lh

January 8, 2004

Allan Hoosain
ALLAN HOOSAIN
PRIMARY EXAMINER
Fan Tsang